

111TH CONGRESS  
1ST SESSION

# S. 1062

To amend the Beef Research and Information Act to allow the promotion of beef that is born and raised exclusively in the United States and to establish new referendum requirements.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2009

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Beef Research and Information Act to allow the promotion of beef that is born and raised exclusively in the United States and to establish new referendum requirements.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Beef Checkoff Mod-  
5       ernization Act of 2009”.

1 **SEC. 2. REQUIRED TERMS IN ORDER.**

2 (a) CONTRACTS AND AGREEMENTS.—Section 5(6) of  
 3 the Beef Research and Information Act (7 U.S.C.  
 4 2904(6)) is amended in the first sentence—

5 (1) by striking “established” and inserting  
 6 “new or existing”; and

7 (2) by inserting “and such other organizations  
 8 and entities as the Secretary determines to be ap-  
 9 propriate,” after “paragraph (4),”.

10 (b) USE OF FUNDS.—Section 5 of the Beef Research  
 11 and Information Act (7 U.S.C. 2904) is amended by add-  
 12 ing at the end the following:

13 “(13) USE OF FUNDS.—

14 “(A) IN GENERAL.—The order shall direct  
 15 that at least 30 percent of the funds derived  
 16 from the assessment of United States producers  
 17 and made available for marketing of products  
 18 derived from cattle be used only for the pro-  
 19 motion and marketing of products derived from  
 20 cattle exclusively born and raised in the United  
 21 States.

22 “(B) IMPORTED BEEF.—The order shall  
 23 direct that, of the aggregate amount collected  
 24 from importers, a percentage of that amount, to  
 25 be determined by the Committee, shall be re-  
 26 served to promote products specifically derived

1 from cattle not born and raised in the United  
 2 States.”.

3 **SEC. 3. REQUIREMENTS OF REFERENDUM.**

4 Section 7(b) of the Beef Research and Information  
 5 Act (7 U.S.C. 2906(b)) is amended—

6 (1) by striking “(b)” and the first sentence and  
 7 inserting the following:

8 “(b) ADDITIONAL REFERENDA TO DETERMINE SUS-  
 9 PENSION OR TERMINATION OF ORDER.—

10 “(1) IN GENERAL.—Beginning in calendar year  
 11 2010 and every 7 years thereafter, or more fre-  
 12 quently during those 7-year periods, upon the receipt  
 13 of a petition of a representative group comprising 10  
 14 percent or more of cattle producers (as determined  
 15 by the Secretary), the Secretary shall conduct a ref-  
 16 erendum—

17 “(A) to determine whether cattle producers  
 18 favor the termination or suspension of the  
 19 order; and

20 “(B) to vote on any other amendments to  
 21 the order.”;

22 (2) in the second sentence, by striking “The  
 23 Secretary shall” and inserting the following:

24 “(2) MAJORITY VOTE TO SUSPEND OR TERMI-  
 25 NATE.—The Secretary shall”; and

1 (3) by adding at the end the following:

2 “(3) ADDITIONAL REFERENDA.—

3 “(A) IN GENERAL.—In addition to the  
4 referenda required under subsection (a) and  
5 paragraph (1), not later than 1 year after any  
6 proposed amendments to the order, the Sec-  
7 retary shall conduct a referendum for the spe-  
8 cific amendments to determine whether cattle  
9 producers favor the termination or suspension  
10 of the amendments.

11 “(B) REQUIREMENTS.—Except as pro-  
12 vided in subparagraph (C), the specific amend-  
13 ments that are the subject of a referendum  
14 under subparagraph (A) shall be considered in-  
15 dividually.

16 “(C) SINGLE PURPOSE.—Multiple amend-  
17 ments may be considered jointly if the amend-  
18 ments are relevant to a single purpose, includ-  
19 ing amendments relating to changes—

20 “(i) in the assessment level;

21 “(ii) to the contracting requirements;

22 “(iii) in oversight, administration, and  
23 organizational structure; or

24 “(iv) to collection or allocation of pro-  
25 ceeds.

1           “(D) EFFECTIVE DATE.—An amendment  
2           approved under a referendum under subpara-  
3           graph (A) shall take effect beginning on the  
4           date that is 180 days after the amendment re-  
5           ceives the majority approval of the producers  
6           voting in the referendum.”.

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